

BEFORE THE IDAHO STATE ATHLETIC COMMISSION

In the Matter of the License of:)	
)	Case No. ATC-2007-1
LEE ANDERSON,)	
License No. ATB-25,)	STIPULATION AND
)	CONSENT ORDER
Respondent.)	
_____)	

The Idaho State Athletic Commission and Respondent Lee Anderson stipulate and agree to settle the above-captioned matter upon the following terms:

A.

1. The Commission regulates Boxing, Martial arts, and other forms of unarmed combat in the State of Idaho under title 54, chapter 4, Idaho Code.

2. The Commission has issued License No. ATB-25 to Respondent, licensing him as a Boxer (martial artist).

3. Respondent's license is subject to the provisions of title 54, chapter 4, Idaho Code, and the Commission's rules promulgated at IDAPA 03.01.01, *et seq.*

4. Commission Rule 900.04.a states: "The Commission reserves the right to conduct random drug testing. . . ." Commission Rule 900.02 states: "A boxer shall submit to a urinalysis [or] chemical test before or after a contest if the commission directs him to do so."

5. On December 15, 2006, Respondent participated in a Contest in Idaho. After the Contest, an agent for the Commission informed Respondent that Respondent had been selected for a random urine test. Respondent replied that he was too dehydrated to provide a sample. The agent then gave Respondent two bottles of water to assist

Respondent in providing a sample. Despite this, Respondent continuously maintained that he too dehydrated to provide a sample, and Respondent ultimately did not provide a sample for testing.

6. Respondent's conduct violated Commission Rule 900.02 (see ¶ 3, above), and is grounds for discipline under Commission Rule 900.05 ("A licensee who violates any provision of [Rule 900] is subject to disciplinary action by the commission") and Idaho Code § 54-418 ("...any licensee or participant who violates any rule of the commission shall be penalized....")

7. Based on the above facts, the Board's prosecutor is prepared to file a formal disciplinary complaint against Respondent that requests a hearing at which the Commission or its hearing officer will adjudicate this matter. Rather than pursue such formal disciplinary action, however, the parties are entering this Stipulation to revolve this matter expeditiously and without a hearing.

B.

1. Respondent acknowledges he has read and understands the allegations against him.

2. Respondent understands Respondent understands he has the right to a full and complete hearing at which to contest these allegations; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the Commission's laws and rules. Respondent freely and voluntarily waives these rights.

3. Respondent understands and agrees that by signing this Stipulation he is enabling the Commission to enter an order summarily disciplining his license as specified below.

C.

1. Respondent is currently scheduled to participate in a Contest on May 12, 2007. Immediately following Respondent's May 12, 2007 Contest, Respondent shall submit to a urinalysis or chemical test as determined by the Commission's medical representative, which test shall be accomplished under the procedures outlined in Commission Rule 900.04.b (or such other procedures as the Commission by Rule may adopt).

2. Respondent's license is suspended for a three (3) month period running from May 13, 2007 through August 13, 2007. Respondent understands that Commission Rules 908.02 and 908.03 require that during the suspension:

a. Respondent shall refrain from Matchmaking and from holding or participating in Boxing (including without limitation Martial arts) Contests and Exhibitions; and

b. Respondent is barred from:

(i) The dressing rooms at the premises where any Boxing Contests or Exhibitions are being held;

(ii) Occupying any seat within six rows of the ring platform (or, if the Contest or Exhibition is being held in a fenced area, within six rows of the platform of the fenced area);

(iii) Approaching within six rows of seats from the ring platform (or, if the Contest or exhibition is being held in a fenced area, within six rows of seats of the platform of the fenced area); and

(iv) Communicating in the arena or near the dressing rooms with any of the principals in the Contests or Exhibitions, their Managers, their Seconds

including Corner Persons, or any Judge or Referee, whether directly or by a messenger, during any Boxing program.

3. Once Respondent's suspension ends, Respondent shall be on probation for two (2) years. Immediately after each Contest in which Respondent participates during this probationary period, Respondent shall submit to a urinalysis or chemical test as determined by the Commission's medical representative, which test shall be accomplished under the procedures outlined in Commission Rule 900.04.b (or such other procedures as the Commission by Rule may adopt).

4. At all times that Respondent is on suspension or probation, Respondent shall comply with the applicable laws and rules governing persons licensed by the Commission, and specifically including Idaho Code § 54-401 et. seq. and IDAPA 03.01.01 et. seq.

5. Respondent is solely responsible for any and all costs associated with his complying with this Stipulation.

6. The violation of any of the terms of this Stipulation by Respondent will warrant further Commission action. The Commission therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. The Commission's prosecutor shall present and recommend that the Commission approve this Stipulation.

2. The Commission is free to accept, modify with Respondent's approval, or reject this Stipulation. Respondent understands that if the Commission rejects this

Stipulation, the Commission's prosecutor may file a formal complaint against Respondent. Respondent waives any right Respondent may have to challenge the Commission's impartiality to hear such a complaint.

3. If the Commission does not accept the Stipulation, it shall be void. The void Stipulation and any admissions by Respondent or others arising from their having signed the Stipulation will not be admissible as evidence at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Commission and endorsed by a representative member of the Commission.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. If Respondent defaults or violates any provision of this Stipulation, the Commission may impose further discipline against Respondent's license using the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Commission and serve upon Respondent notice of the hearing and of the facts giving rise to the alleged default. Within twenty-one (21) days after the notice, Respondent shall submit a written response to the allegations. If Respondent does not submit a timely written response to the Commission, the Commission shall deem the default allegations admitted.

b. At the default hearing, the Commission's prosecutor and Respondent may submit affidavits and argument in support of their positions. Unless the Commission otherwise orders, the evidentiary record at the hearing shall be limited to such affidavits and this Stipulation, with parties being allowed to cross-examine affiants if desired.

d. The sole issues before the Commission at the default hearing is whether or not the respondent has defaulted under the Stipulation, and if Respondent has

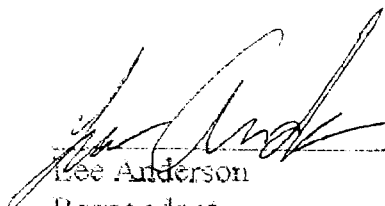
defaulted, whether and to what extent the Commission should impose additional conditions or discipline upon Respondent's license, including without limitation fines, suspension, and revocation.

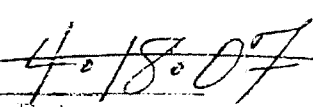
7. This Stipulation is the resolution of a contested case and is a public record.

8. This Stipulation contains the parties' entire agreement, and Respondent is not signing this Stipulation in reliance on any other agreement or representation of any kind, verbal or otherwise, by any person or entity.

9. The parties may sign this Stipulation via counterpart signature pages including such pages signed via facsimile.

I have read the above Stipulation and have had the opportunity to discuss it with legal counsel. I understand that by signing the Stipulation I am waiving certain rights accorded me under Idaho law. I understand that the Commission may approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Commission will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Commission approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Commission rejects this Stipulation, it will be of no effect.


Lee Anderson
Respondent


Date

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I concur in this Stipulation.

DATED this 20th day of April, 2007.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By 
Karl T. Klein
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-406 and 54-418, the foregoing is adopted as the Idaho State Athletic Commission's decision in this matter and shall be effective on the 1st day of 20, 2007. **IT IS SO ORDERED.**

30 April

IDAHO STATE ATHLETIC COMMISSION

By 
Tom Katsilometes, Commissioner

CERTIFICATE OF SERVICE

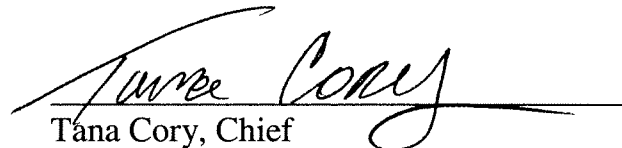
I HEREBY CERTIFY that on this 30th day of April, 2007, I caused to be served a true and correct copy of the foregoing by the following method to:

Lee Anderson
P.O. Box 645
Bellvue, ID 83313

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Karl T. Klein
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail


Tana Cory, Chief
Bureau of Occupational Licenses